

RemarksRejections under 35 U.S.C. § 102

Claims 1, 8, 12, 14, 15, 17-19, 22, 25, 26, and 28 stand rejected insofar as these claims are drawn to the antibody designated as CBH-2 on the ground that CBH-2 appears to be the same or only slightly different from the antibodies disclosed by Persson et. al. in WO 97/40176. In responding to the previous rejection, Applicants submitted a Declaration of Dr. Steven Foug and a sequence comparison (Exhibit D) demonstrating the structural differences between the claimed antibodies and those of Persson. The Examiner accepted the Declaration and sequence comparisons as evidence that the claimed antibodies, with the exception of CBH-2, are structurally different from those of Persson. However, the Examiner stated that the comparisons presented in Exhibit D are not commensurate in scope with the claims because there is no comparison of the amino acid sequences that determine antigen binding specificity for CBH-2 with the prior art antibody sequences.

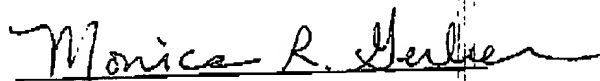
Applicants herewith submit a revised Declaration of Dr. Foug, in which the fact that CBH-2 was included in the sequence comparison is explicitly mentioned (see paragraph 10). Applicants additionally submit a revised Exhibit D (labeled Exhibit D - Revised), in which the V_H chain sequences of Persson et al. (assigned SEQ ID NOs: 1-4 in Exhibit D - Revised) are aligned with each of the V_H chain sequences of the claimed antibodies, including CBH-2 (pages 1-4 of Exhibit D - Revised). In addition, each of the V_L chain sequences of Persson et al. (assigned SEQ ID NOs: 5-8 in Exhibit D - Revised) are aligned with each of the V_L chain sequences of the claimed antibodies (pages 9-12 of Exhibit D - Revised). The V_L sequence comparison is identical to that present in the original version of Exhibit D, which included CBH-2. Additional alignments of the complementarity determining regions (CDRs) of the heavy and light chains of the claimed antibodies with those of the antibodies of Persson et al. are presented on pages 5-8 and 13-16, respectively, of Exhibit D - Revised.

In conclusion, in view of the remarks and evidence presented herein, Applicants respectfully submit that the claimed invention is not anticipated by Persson, et al. Applicants therefore respectfully submit that the present case is in condition for allowance. A Notice to that effect is respectfully requested.

If, at any time, it appears that a phone discussion would be helpful, the undersigned would greatly appreciate the opportunity to discuss such issues at the Examiner's convenience. The undersigned can be contacted at (617) 248-5000 or (617) 248-5071 (direct dial).

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,



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